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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **RONALD J. McINTOSH,**

14 Petitioner,

15 v.

16 **ERIC H. HOLDER, JR., et al,**

17 Respondents.
18
19

C 09-0750 CRB (PR)

**RESPONSE TO PETITIONER'S
FOURTH MOTION FOR DISCOVERY**

Date: July 14, 2015
Time: 10:00 a.m.
Courtroom: 6, 17th Floor
Judge: The Honorable Charles R.
Breyer
Trial Date:
Action Filed: May 27, 2009

20 In his fourth motion for discovery in support of his Federal Rule of Civil Procedure 60(b)
21 motion, petitioner seeks a court order directing the San Mateo County Sheriff's Office to produce
22 "all investigation files concerning the homicide of Ronald Ewing." CR 136. For the reasons set
23 forth below, a court order is unnecessary.

24 On June 5, 2015, two days after first being contacted by petitioner's counsel with this
25 request and four days before his motion for discovery was filed, respondent contacted Elizabeth
26 Caprista, Records Supervisor for the San Mateo County Sheriff's Office, requesting that she
27 search for and produce any and all files in the possession of the Sheriff's Office concerning the
28 Ewing homicide investigation. Ms. Caprista is currently in the process of obtaining any existing

1 records in response to respondent's request to her office. The records should be produced to
2 petitioner's counsel by June 30, 2015.

3 Because the existing records will be voluntarily produced to petitioner's counsel, it is
4 unnecessary for this Court to so order.

5 Dated: June 23, 2015

Respectfully submitted,

6 KAMALA D. HARRIS
7 Attorney General of California
8 PEGGY S. RUFFRA
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9
10 *s/ Pamela K. Critchfield*
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CERTIFICATE OF SERVICE

Case Name: **Ronald J. McIntosh v. Eric H.** No. **C 09-0750 CRB (PR)**
Holder, Jr., et al

I hereby certify that on June 23, 2015, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

RESPONSE TO PETITIONER'S FOURTH MOTION FOR DISCOVERY

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 23, 2015, at San Francisco, California.

T. Oakes

Declarant

s/ T. Oakes

Signature